

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION**

STATE OF TEXAS,)
)
)
Plaintiff,)
)
v.) Civil No. 5:13-CV-00255-C
)
)
EQUAL EMPLOYMENT)
OPPORTUNITY COMMISSION, *et al.*,)
)
Defendants)
)

)

**UNOPPOSED MOTION FOR EXTENSION OF TIME *NUNC PRO TUNC*
TO FILE AN ANSWER**

Defendants hereby move, *nunc pro tunc*, for an extension of time to file a responsive pleading. In support thereof, defendants state as follows:

1. On June 2, 2017 this Court entered an Order denying defendants' renewed motion to dismiss. *See* Order, ECF No. 52 (June 2, 2017) ("Order"). The Court also set a deadline for filing cross-motions for summary judgment on July 31, 2017. *Id.*
2. Focusing on the summary judgment deadline, Defendants' counsel overlooked the fact that pursuant to Fed. R. Civ. P. 12(a)(4)(A), the Court's Order made defendants' answer due fourteen days from the date of this Court's Order, on June 16, 2016. Defendants' counsel apologizes for this error and requests that the Court excuse the oversight.
3. Defendants hereby request an extension of time, *nunc pro tunc*, to file an answer in this case. Defendants request that the period of time to file an answer be extended to June 28, 2017.
4. Plaintiffs will not be prejudiced by the late filing of an answer. Many of both sides' claims and defenses have already been aired in the briefing on defendants' renewed

motion to dismiss, and extending the deadline to file the answer will not affect the timing of the overall disposition of the case.

5. Defendants have conferred with counsel for plaintiffs regarding this motion, who indicated that plaintiff is unopposed to this motion.

6. A proposed order is attached.

Dated: June 23, 2017

Respectfully submitted,

Counsel for Defendant:

CHAD A. READLER
Acting Assistant Attorney General

JOHN R. PARKER
United States Attorney

JOSHUA E. GARDNER
Assistant Director, Federal Programs Branch

/s/ Justin M. Sandberg
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CERTIFICATE OF SERVICE

I hereby certify that on June 23, 2017, I electronically filed the foregoing Unopposed Motion for Extension Nunc Pro Tunc to File Answer using the Court's CM/ECF system, causing a notice of filing to be served upon all counsel of record.

/s/ Justin M. Sandberg
JUSTIN M. SANDBERG

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[PROPOSED] ORDER

Upon consideration of Defendants' Unopposed Motion for Extension Nunc Pro Tunc to File Answer, it is hereby

ORDERED that Defendants' Motion is **GRANTED**; and it is further

ORDERED that Defendants shall file their Answer on or before June 28, 2017.

SO ORDERED.

SAM R. CUMMINGS
United States District Judge